IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.26 OF 2006
IN
CRIMINAL WRIT PETITION NO.1391 OF 2000

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.K.S.Patil for the applicants.

Mr.J.C.Satpute for CBI.

Mrs.M.H.Mhatre APP for the State.

Coram : R.S.Mohite,J

Date : 3.2.2006.

PC

1. This is an application for condonation of delay and restoration of Criminal Writ petition No.1391/2000. In the said Writ petition, stay was obtained on 7.12.2001 but it was dismissed for default as none appeared for the petitioners and no steps have been taken by the petitioners. The case itself pertains to year 1988 and 18 years have gone by without a trial. Needless to say that this itself prejudice the prosecution in so far as witnesses may no longer be

available. In the circumstances, though the delay is condoned and the Writ petition no.1391/2000 is restored to file, it is directed that the trial against the accused will proceed but no final judgment will be passed without permission of this Court. Writ petition 1391/2000 to be listed on the board of final hearing in the week commencing from 27.3.2006 and it should be placed high on board. It is made clear that the direction given in this petition that the trial should proceed without prejudice to the rights of the applicants in this case if they ought to have been discharged.

(R.S.Mohite,J)